

# The Sydney Morning Herald.

NO. 8072.—VOL. XLIX.

FRIDAY, APRIL 22, 1864.

NOTICE  
TO THE SUBSCRIBERS OF THE "SYDNEY MORNING HERALD."

The price of this Journal when delivered by Agents will be as heretofore—£1 per annum. In order to share with our distant Subscribers, as far as possible, the burden of the new postage tax (£1 6d.), the price of the *Herald* when sent *prepaid* through the *Post Office* on and after this date, will be £1 10s. per annum.

The Subscribers to this Journal who can only be reached by post, and who wish to decline on account of the advance in price, will be good enough to give early intimation of their intention, and pay up all arrears forthwith.

#### OVERDUE ACCOUNTS.

Those Subscribers whose accounts are overdue are respectfully requested to pay them forthwith, to prevent trouble and expense.

Head Office, Sydney, 1st April.

#### BIRTHS.

On the 10th instant, at her residence, Chiffield, Mrs. Richard Weston, of a daughter, Emma, in the 1st instant, at her residence, No. 63, Market-street, Mrs. William J. Mathews, of a daughter.

#### MARRIAGES.

At Chiffield, near Brighton, on the 10th instant, Mrs. W. Weston, and of Madame Béatrice, Macquarie-street. On the 10th instant, at Roseville, Gerringong, Mr. George Turner, aged 24 years, and of the late Mr. George Turner, of the 10th instant, at the residence of his uncle, Robert Campbell, 445, Chiffield-street, Mary Cowan, elder daughter of Mr. and Mrs. McRea, of Monkton, near Raymond Terrace, and Mrs. Ethel McRea, daughter of Mr. McRea, of Monkton, near Raymond Terrace.

#### DEATHS.

At Chiffield, near Brighton, on the 10th instant, Mrs. W. Weston, and of Madame Béatrice, Macquarie-street. On the 10th instant, at Roseville, Gerringong, Mr. George Turner, aged 24 years, and of the late Mr. George Turner, of the 10th instant, at the residence of his uncle, Robert Campbell, 445, Chiffield-street, Mary Cowan, elder daughter of Mr. and Mrs. McRea, of Monkton, near Raymond Terrace, and Mrs. Ethel McRea, daughter of Mr. McRea, of Monkton, near Raymond Terrace.

#### SHIP ADVERTISEMENTS.

STEAM TO OTAGO.—The Intercolonial (New Zealand) Royal Mail Steamship PRINCE ALFRED, W. STEPHENSON, commander, will be despatched for NELSON, 11th APRIL, and for WELINGTON, PORT COOPER, and OTAGO, MONDAY April 25th, at 5 p.m. New loading. Cargo received up to 5 p.m. Saturday. Passengers for Tararua, and passengers for Manawatu transhipped at Nelson, having Nelson 2nd, and arriving at Manawatu 2nd.

For freight and passage apply at the Company's office, Grafton Wharf.

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ROYAL INTERCOLONIAL (NEW ZEALAND) ROYAL MAIL COMPANY'S STEAMERS performing the Postal Service during this and the following month as under—

PILOT, 1,000 tons, W. Smith, commander, will LEAVE SYDNEY, April 25th, for NELSON, WELLINGTON, PORT COOPER, TARARUA, OIAO, and LAIDLEY, IRELAND, and OTAGO, MONDAY April 25th, at 5 p.m. New loading. Cargo received up to 5 p.m. Saturday. Passengers for Tararua, and passengers for Manawatu transhipped at Nelson, having Nelson 2nd, and arriving at Manawatu 2nd.

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STEAMERS TO WOLLONGONG—HUNTER, TO-NIGHT, at 11; KIAMA—HUNTER, TO-NIGHT, at 11; MURRAY—HUNTER, TO-NIGHT, at 11; ULARAWA—KEMBLA, on MONDAY, at 1 p.m.; CLYDE RIVER—KEMBLA, on MONDAY, at 1 p.m.; PINE MOUNTAIN—HUNTER, on WEDNESDAY, at 10 a.m.; TURROW (TWOFOLD BAY)—HUNTER, on WEDNESDAY, at 10 a.m.; MORUYA—BLACK SWAN, on THURSDAY, at 1 p.m.; TURROW (GULF DIGGINGS)—BLACK SWAN, on THURSDAY, at the 5th of May.

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## TELEGRAPHIC SUMMARY FOR ENGLAND OF NEWS FROM MARCH 22ND TO APRIL 22ND.

Madras, with the English mails of February, arrived in Sydney on the 17th instant.

Parliament will be prorogued to-day by his Excellency Sir John Young. The Appropriation Bill and the Public Works Loan Bill were passed through all their stages in the Council yesterday. Some reductions have been made in the public expenditure, but a new scheme of taxation has been introduced.

The annual commemoration of the University of Sydney was held on the 2nd instant. Two gentlemen were admitted to the M.A. degree, three to the LL.B. degree, and five to the B.A. degree. The Hon. E. D. Thomson, in his capacity as vice-chancellor, delivered the oration. His Excellency Sir John Young was present, and addressed the audience.

A public meeting has been held in Sydney on behalf of the distressed agriculturists in the Canden and Hunter districts, and an influential committee has been formed to take measures for their relief.

A Refuge for the homeless poor at night is about to be established in Sydney.

The church in Morpeth is to be opened on the 1st of May.

The Park Downs Copper Company are sending to England, by the Orwell, the large bulk of merchandise ever sent, excepting only the celebrated Russian block.

Frank Gardiner, the notorious bushranger, who was last month captured in Queensland, has been brought up before the magistrate in Darlinghurst gaol upon a charge of shooting and wounding two troopers who had been sent to arrest him.

John Vane, one of Gilbert's gang of bushrangers, who surrendered himself to justice, has been found guilty of robbing and shooting with intent to murder, and sentenced to fifteen years' imprisonment with hard labour.

Other troopers were present, and the guests separated at half-past nine o'clock.

The German band was in attendance, and played appropriate music both before and during the lunch.

on his left by the Rev. Dr. Lang. Dinner over, the usual toasts—the "Queen," the "Prince of Wales and the Royal Family," Sir John Young, the Governor—Chief of State, "W.A." were given from the chair, and enthusiastically received.

In proposing the health of the Hon. James Martin and the Ministry, the CHAIRMAN extolled the conduct of the Premier, and said he had been greatly pleased to find that the Governor had done well.

Mr. Martin might have opportunities, but these could never accuse him of duplicity, want of ability, want of energy, or the lack of desire to do good to the country.

The toast was drunk with cheers.

Mr. PLUNKETT moved that the bill be referred to the Standing Orders committee for consideration.

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## LAW.

METROPOLITAN DISTRICT COURT.  
THURSDAY.

BEFORE MR. J. S. DOWLING, Judge, and a jury of four.

There was an action to recover the value of ten bags of flour, stored by defendant for plaintiff, which he refused to deliver when demanded. Damages were laid at £30. It appeared that the plaintiff had 200 bags of the same brand, which he purchased of Durham and Irwin, stored in defendant's store-room, with the exception of the ten bags in dispute, was delivered to plaintiff, and the remainder required it. He stated that he sent four orders for the flour, each for fifty bags. The flour was not always delivered on one order in one day, but ten bags were taken at the time the order was delivered, and the remaining forty bags on the same day, subsequent to day. Plaintiff had given to one Burke, a drayman, and the flour was brought to him by dray by himself or his sons, except twenty bags, which were delivered to another drayman, named Mr. Gurne. When the last order for fifty bags was sent, defendant stated that he had sent the flour to Burke, and hence he only delivered forty. Plaintiff further said that there were fifty bags there, whereupon defendant showed him the drayman's receipt, among which was one signed by one of Burke's sons, dated the 26th of March, for ten bags. Plaintiff had not then received these, and stated that at that time there were no orders for flour. The plaintiff, the previous day, dated 20th February, had been examined, and the next, dated 3rd March, not given. Counsel for plaintiff objected to this receipt dated the 26th being given as evidence, unless counsel for defendant could show that plaintiff had the right to deliver the ten bags alleged to have been delivered. The court said that the receipt (one piece of printed form) had been preserved. His Honor overruled the objection, and admitted the document, and when it was produced in his statement that the signature was his, and he had delivered the flour to plaintiff. Counsel for both sides having consulted for a few minutes' deliberation, found a verdict for defendant. Mr. Windham for plaintiff; Mr. Darley for defendant.

The remainder of the trial, nothing defendant's case, but one only was heard (the first having occupied so much time), and that was of such a nature as not to be fit for publication.

## INSOLVENCY COURT.

THURSDAY.

Before the Chief Commissioner.

In the matter of the Sugar Company v. Charles Bacon, Mr. Milford showed that the Sugar Company had a rule no. 5, wherein it was laid down that in the execution of the deed of assignment set up as constituting such cause. The Chief Commissioner said that it had been shown that the deed of assignment was duly executed by the Sugar Company, and was positive in his statement that the cause was not his, and he had delivered the flour to plaintiff. Counsel for both sides having consulted for a few minutes' deliberation, found a verdict for defendant. Mr. Windham for plaintiff; Mr. Darley for defendant.

The remainder of the trial, nothing defendant's case, but one only was heard (the first having occupied so much time), and that was of such a nature as not to be fit for publication.

## CENTRAL POLICE COURT.

THURSDAY.

BEFORE MUSERS, Birrell, Murphy, Peden, Oatley, and Arnett.

Fourteen prisoners were brought before the Court. Four persons were fined £10 each, one for riotous conduct and the other for obscene language, in public places. Mary Murphy, a vagrant, failing to satisfy the Bench concerning the sum called for in her possession, and having been previously convicted of vagrancy, was sentenced to be imprisoned two months. Of the rest, seven were remanded and two were discharged.

The summons paper were twenty-six cases—five of which were postponed, ten were withdrawn, three were dismissed for want of prosecution, and one was dismissed for want of evidence. On the trial of the principal犯人, Carriages riding for hire, George Dowling was fined £10, for having paled for hire at a place not appointed a cabstand; Frederick Croxton was fined 20s. for having paled another cabman from taking a fare; James Johnson was fined 20s. for having unproperly dressed, by flogging, a female servant; and the other five, James and Philip Lutcombe, were fined 20s. for paling with an unlicensed dray. On the prosecution of the Inspector of Nuisances, William Graham was fined 20s. for having neglected to keep certain premises in Castlereagh-street, occupied by him, clean. Dowling was fined 40s. for having unferred a water-closet on the corner of Pitt and Alison-street, to be emptied between the hours of five in the morning and ten in the evening. In Pekett v. Carney, an order was taken by consent for the delivery of certain goods heretofore illegally detained by defendant.

## WATER POLICE COURT.

THURSDAY.

BEFORE MR. E. C. NORTH, Mr. T. Cullen, and Mr. J. B. Morris.

William Harris, butcher, for a common assault upon Henry Smith, was fined 5s. with costs, and James Aylor, a seaman of the *Montrose*, was fined 40s. with costs, for assaulting his chief officer, having seized him by the throat as he left the Court on Wednesday, after giving evidence against a prisoner on a charge of desertion.

William Goss, seaman, for desertion from the Sarah Niemann, was sentenced to four weeks' hard labour in goal.

Gosman, a lascar belonging to the ship *Tchernaya*, was found guilty of stealing a number of Chinese fans, pipes, sticks, shoes, and sweetmeats, part of the cargo of the vessel, and was sentenced to one month's hard labour in goal.

**X INQUIRY INTO THE CHARGES AGAINST GARDNER.**

The adjourned magisterial inquiry was resumed yesterday morning, at eleven o'clock, in Darlinghurst goal, in the case of the Queen against Francis Clarke, alias Gardner, charged with feloniously shooting and wounding with intent to kill, Captain Middleton and William Howe, at the Fish River, in this colony, on the 10th July, 1861. The inquiry was held, as before, in the dock's ward.

Mr. David Forbes attended as prosecuting counsel for the Crown, assisted by Mr. Fraser, of the Crown Solicitor's Office.

Mr. Redman and Mr. Roberts appeared on behalf of the prisoner Gardner was introduced into the Court in custody.

The prisoner Gardner was introduced into the Court in custody.

By advice of counsel for prosecution, and for the defence, the evidence taken on Wednesday was considered as closed.

William Howe being sworn deposed. In 1861 I was a trooper at Tenter, I went with sergeant Middleton to apprehend the prisoner Mr. Foggs, on the Fish River. This was on the 10th July, I got there about ten o'clock in the morning, and I was despatched to apprehend the prisoner Mr. Foggs, and I went down the slip-roads at Foggs' house. I was in the house, and I heard a shot fired; I went at once to the door of the house; Middleton came rushing out at the door, I perceived that he had a pistol in his hand, and I was in the house, and at the top of the stairs, I was then about thirty yards from him; there was a window in the house, the door was open, I saw a female come out whom I afterwards found to be Mrs. Foggs; she appeared to be alarmed, and retired back quickly, and I went to the rear entrance, and I heard the hut immediately after the shot, and I saw Mr. Foggs at that time, immediately after Middleton went in I heard another shot fired; I went at once to the door of the hut; Middleton came rushing out at the door, I perceived that he had a pistol in his hand, and I was in the house, and at the top of the stairs, I was then about thirty yards from him; there was a window in the house, the door was open, I saw a female come out whom I afterwards found to be Mrs. Foggs; she appeared to be alarmed, and retired back quickly, and I went to the rear entrance, and I heard the hut immediately after the shot, and I saw Mr. Foggs at that time, immediately after Middleton went in I heard another shot fired; 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